

## **5.0 RELATIONSHIP OF CALFED TO NON-CALFED PROJECTS, PROGRAMS, AND PLANS**

CALFED and the MSCS have been developed against a backdrop of existing and ongoing federal, state, and local efforts intended to conserve listed and other sensitive species within the MSCS Focus Area. CALFED will be consistent and synergistic with existing wildlife protection and recovery programs. Existing efforts include:

- HCPs approved or under development,
- other conservation agreements,
- numerous biological opinions (programmatic and specific) on diverse actions within the area, and
- more than 20 FERC hydropower relicensing projects.

In addition, the CVPIA of 1992 includes a broad range of habitat enhancement and species protection efforts, much of it within the MSCS Focus Area. Further, as a result of SB1086, the State is developing a management plan for the Sacramento River system; CALFED has already funded some of this work. CALFED must be consistent with all these existing efforts; through its actions, CALFED will endeavor to enhance these projects' benefits to wildlife.

### **5.1 SPECIES CONSERVATION EFFORTS WITHIN CALFED AREAS**

#### **5.1.1 HABITAT CONSERVATION PLANS**

At least one HCP within the MSCS Focus Area, the Natomas Basin HCP, has been finalized and is being implemented. Other HCPs related to activities in the MSCS Focus Area are in different stages of development and are currently being reviewed by USFWS and NMFS.

Ongoing species planning efforts that were in the draft stage at the time of release of the final MSCS include the:

- Yolo County HCP,
- San Joaquin County HCP,
- South Sacramento County HCP,
- Reclamation District No. 108 Fish Screen HCP,
- California Aqueduct San Joaquin Field Division HCP,

- DFG Striped Bass HCP,
- Pacific Gas & Electric Company (PG&E) Contra Costa and Pittsburg Facilities HCP, and
- Solano County Water Agency HCP.

All these planning efforts incorporate information and measures contained in recovery plans prepared by USFWS and NMFS for listed species.

### **5.1.2 CANDIDATE CONSERVATION AGREEMENTS**

USFWS and NMFS' joint policy for candidate conservation agreements (CCAs) under FESA provides incentives for private and other nonfederal property owners and State and local land managing agencies to restore, enhance, or maintain habitats for proposed, candidate, and certain other unlisted species. Participating property owners or land managing agencies would develop CCAs to remove the need to list the covered species as threatened or endangered under FESA.

Either USFWS or NMFS, or both, would provide technical assistance in the development of CCAs. They would also assure that property owners or agencies would not have to do more than required by the CCA if covered species were eventually listed. If a species were listed, USFWS and NMFS would provide incidental take authorization so the property owner or agency could complete management activities that might result in take of individuals or modify habitat. The CCA would specify what levels of take and habitat modification would be allowed.

To date, there are no completed CCAs that would affect or be affected by CALFED or the MSCS. However, CCAs may be implemented in the future in the Central Valley. CCAs would be reviewed to determine their consistency with CALFED objectives.

### **5.1.3 BIOLOGICAL OPINIONS**

#### **5.1.3.1 EXISTING BIOLOGICAL OPINIONS**

NMFS and USFWS prepare biological opinions pursuant to Section 7 of FESA. Existing opinions are part of the environmental baseline for this MSCS. There are hundreds of biological opinions for actions that overlap with CALFED's Focus Area. Most notably, existing opinions that affect operations of State and federal water storage and conveyance facilities may have to be modified because of CALFED actions. These biological opinions include, but are not limited to:

- the 1995 USFWS opinion on CVP and SWP operations on delta smelt and
- the 1993 NMFS opinion on CVP and SWP operations on Sacramento River winter-run chinook salmon ESU.

### **5.1.3.2 PROGRAMMATIC BIOLOGICAL OPINIONS**

Some CALFED actions are expected to fall within the scope of existing programmatic biological opinions issued by USFWS. (These existing programmatic opinions are not to be confused with the programmatic biological opinions that NMFS and USFWS will prepare for CALFED.) USFWS has prepared programmatic biological opinions on the following topics, among others:

- issuance of Clean Water Act (CWA) Section 404 permits by the USACE for projects with relatively small effects on listed vernal pool crustaceans within the jurisdiction of the USFWS Sacramento Field Office;
- permitting projects with relatively small effects on the valley elderberry longhorn beetle within the jurisdiction of the USFWS Sacramento Field Office;
- issuance of CWA Section 404 permits for projects that may affect four endangered plant species on the Santa Rosa plain, California;
- formal consultation and conference on the USACE's Public Notice Number 199500562 for various nationwide and regional general permits within the "Legal Delta"; and
- USACE CWA Section 404 permitted projects with relatively small effects on the giant garter snake within Butte, Colusa, Glenn, Fresno, Merced, Sacramento, San Joaquin, Solano, Stanislaus, Sutter, and Yolo Counties.

The programmatic consultations address impacts in specific geographic areas (typically by county), some of which fall within the MSCS Focus Area.

Existing programmatic opinions may authorize incidental take for some CALFED actions if the actions meet the opinions' requirements and if CALFED follows the opinions' minimization and monitoring requirements. In their programmatic biological opinions, USFWS and NMFS will identify CALFED actions that may be covered under existing biological opinions.

### **5.1.4 FEDERAL ENERGY REGULATORY COMMISSION HYDROPOWER RELICENSING**

Within the CALFED area, about 24 existing FERC-licensed hydroelectric projects are undergoing relicensing or will be relicensed between 1999 and 2010. These include, but are not limited to, hydropower projects operated by State and private entities and individuals on major tributaries in the Sacramento River basin (Pit, Feather, and American Rivers) and the San Joaquin basin (Mokelumne, Stanislaus, and San Joaquin Rivers).

Hydropower projects affect terrestrial and aquatic resources, including listed species; therefore, as part of the relicensing process, agencies and interested parties work with FERC and the licensee to minimize adverse impacts on fish and wildlife species. FERC has developed a multistage process for relicensing hydroelectric projects. Relicensing typically begins at least 5 years before the current license expires. FERC issues annual licenses if the process extends beyond the license expiration date.

The following federal and State agencies and interested parties, in addition to the licensees, are working on relicensing efforts for hydroelectric projects in areas potentially affected by CALFED:

- USFWS,
- NMFS,
- the U.S. Forest Service,
- the National Park Service,
- the U.S. Bureau of Land Management,
- the U.S. Bureau of Indian Affairs and tribal interests,
- DFG,
- SWRCB, and
- DWR.

After licenses are issued, these agencies and interested parties will oversee and implement license articles, settlement agreement measures, and potential biological opinion requirements during the 30-year term of the licenses. The FERC process incorporates FESA and CESA requirements. If formal consultation becomes necessary, FERC develops the project description during the latter stages of its NEPA compliance and gives USFWS or NMFS the information needed for biological opinions.

### **5.1.5 CENTRAL VALLEY PROJECT IMPROVEMENT ACT**

Congress passed the CVPIA in 1992. One of the goals of the act is to protect, restore, and enhance fish, wildlife, and associated habitats in the Central Valley and Trinity River basins of California. Some of the programs developed to address CVPIA provisions focus on listed and other sensitive species that occur in the MSCS Focus Area.

Reclamation and USFWS developed the CVP Conservation Program to work with other programs to protect, restore, and enhance the habitat and related needs of special-status species in areas affected by the CVP. Implementation of this program is meant to facilitate the comprehensive Section 7 consultation on CVP operations, including implementation of the CVPIA. The objectives of the CVP Conservation Program are to:

- address the needs of threatened and endangered species in an ecosystem-based manner,
- assist in the conservation of biological diversity, and
- improve existing conditions for threatened and endangered species and reduce conflicts with future projects.

Meeting these objectives will help ensure that the CVP's current and future operations will not jeopardize the continued existence of any species. This program may serve as a model for CALFED to proactively address the potential effects of water delivery in service areas.

The Conservation Program implements the highest-priority recovery actions ("critical needs") for listed species in areas that receive federal water. Through the CVP Conservation Program, Reclamation, in coordination with USFWS, is administering a critical needs program to protect special-status species and their habitats within CVP contract service areas.

Implementation of CVPIA requirements is independent from actions taken by CALFED; nonetheless, activities carried out under the CVPIA have been, and will continue to be, coordinated with CALFED activities.

### **5.1.6 STATE AND LOCAL PLANNING EFFORTS**

The SB1086 process has been underway since 1986 to develop a management plan for the Sacramento River and its tributaries. This is a significant state, federal, local, and private restoration effort. Some restoration actions recommended through the SB1086 process have been funded with State Proposition 204 and federal Bay-Delta Act funds through a competitive CALFED proposal solicitation. Further actions within the SB1086 process will most likely complement the measures contained in the MSCS.

### **5.1.7 OTHER SPECIES CONSERVATION EFFORTS**

Many HCPs and other planning efforts are addressing activities that occur in locations outside the MSCS Focus Area where water deliveries or other actions may have indirect impacts. For example, regional HCPs may cover service area impacts that may result in adverse impacts on listed or proposed species.

## **5.2 RELATIONSHIP OF CALFED TO ONGOING SPECIES PROGRAMS AND PLANNING EFFORTS**

CALFED has significant opportunities to coordinate and ensure consistency with the species conservation programs listed above, even though these efforts are operated separately. CALFED can get creative ideas from these programs that it can use to address its own issues. For example, a “neighboring landowners” program is being developed as part of the San Joaquin and Yolo County HCPs. Several of the HCPs being developed address maintenance of levees and waterways, and one provides a conservation strategy for operation and maintenance of a fish screen.

## **5.3 CUMULATIVE IMPACTS OF CALFED AND OTHER ACTIONS**

Under FESA, cumulative impacts include the reasonably certain effects of future state, tribal, local, or private actions on listed species and their critical habitat in the CALFED Problem and Solution Areas. The cumulative effects analysis provided in this section is specific to FESA and is not meant to replace the cumulative impacts analysis that is provided in the Programmatic EIS/EIR for the purposes of NEPA and CEQA. Future federal actions not related to CALFED are not considered in determining the cumulative effects, but are subject to separate consultation requirements pursuant to Section 7 of FESA. The Programmatic EIS/EIR lists and describes numerous federal and nonfederal projects that may contribute to cumulative impacts as defined under NEPA and CEQA. Most if not all of these projects have a federal nexus and therefore are subject to separate Section 7 requirements.

Numerous activities continue to eliminate habitat for listed and proposed threatened and endangered species in the Central Valley. Habitat loss and degradation affecting both animals and plants continues as a result of all of the following:

- urbanization,
- oil and gas development,
- road and utility right-of-way management,
- flood control projects,
- overgrazing by livestock, and
- continuing agricultural expansion.

Listed and proposed species are also affected by poisoning, shooting, increased predation associated with human development, and reduction of food sources. All these nonfederal activities are expected to continue to adversely affect listed and proposed species.